

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:

LOGAN DEWEY FORSYTH, III

Debtor(s)

CASE NO. 10-80861

Chapter 13

OBJECTION TO CONFIRMATION

NOW COMES Harley-Davidson Credit Corporation ("Lender"), by and through its undersigned attorney, and objects to the confirmation of the Debtor's proposed Chapter 13 Plan and as grounds therefore respectfully shows as follows:

1. This Court has jurisdiction of this contested matter pursuant to 28 U.S.C. §§1334, 151 and 157(b).
2. On or about December 15, 2007, the Debtor purchased a 2007 Harley-Davidson FXD DYNA Super Glide, VIN: 1HD1GM4147K310899 (the "Collateral") pursuant to a retail installment sales contract of even date (the "Contract"). Lender is the owner and holder of the Contract, a true and accurate copy of which is attached hereto as Exhibit A.
3. The Contract is secured by a perfected security interest in the Collateral as noted on the certificate of title or UCC-1 Financing Statement, a true and accurate copy of which is attached hereto as Exhibit B.
4. Lender filed a proof of claim in this proceeding reflecting an outstanding loan balance under the Contract as of the petition date in the amount of \$10,426.32.
5. The Debtor's Chapter 13 Plan proposes to "cram down" Lender's secured claim to the Debtor's stated value for the Collateral of \$6,981.00.
6. The Debtor purchased the Collateral for personal use within 910 days of the bankruptcy filing date and as such, Lender is entitled to a fully secured claim in this bankruptcy proceeding under §1325(a) of the Bankruptcy Code.

WHEREFORE, Lender prays the Court as follows:

1. That the Court deny confirmation of the Debtor's proposed plan;
2. That Lender be allowed a fully secured claim to the extent of its proof of claim filed herein;
3. That Lender be allowed its reasonable attorneys' fees to the extent allowed under 11 U.S.C. §506(b); and

4. That Lender have such other and further relief as the Court deems just and proper.

DATED: July 15, 2011

/s/ Christine M. Lamb
N.C. State Bar No. 19616
THE LAMB FIRM
P.O. Box 2188
Davidson, NC 28036-2188
(704) 892-3600

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CERTIFICATE OF SERVICE

The undersigned certifies that this day the pleading or paper to which this Certificate is affixed was served upon the person(s) listed below by mailing a copy of the same, properly addressed and postage prepaid via the United States Postal Service.

Logan Dewey Forsyth, III
3914 Glenn Road
Durham, NC 27704

John T. Orcutt
6616-203 Six Forks Rd.
Raleigh, NC 27615

Richard M. Hutson, II, Trustee
PO BOX 3613
Durham, NC 27702

DATED: July 15, 2011

/s/ Christine M. Lamb
N.C. State Bar No. 19616
THE LAMB FIRM
P.O. Box 2188
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